

Volume 2

**LOUISIANA'S
COASTAL NONPOINT POLLUTION CONTROL
PROGRAM**

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

Louisiana's Coastal Nonpoint Pollution Control Program

VOLUME 2
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SECTION A

LISTING OF LOUISIANA STATUTES, REGULATIONS, AND OTHER GUIDANCE

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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The following is a list of Louisiana statutes, regulations, and other guidance that has been drawn up by LSU Sea Grant Legal. It is made up of laws that have been cited as being either effective as enforceable mechanisms or as being legislation that could be amended in order to serve as enforceable mechanisms to ensure implementation of the management measures included in the Federal 6217 Nonpoint Source Pollution Program.

Louisiana Statutes

Soil Conservation, LA. R.S. 3:1201-1255

Louisiana Litter Reduction and Public Action Commission, LA R.S. 25:1101-1120

Natural and Scenic Rivers System, LA R.S. 56:1841-1856

Fertilizers, LA R.S. 3:1311-1373

Louisiana Pesticide Law, LA R.S. 3:3201-3377

Hazardous Waste Control Law, LA R.S. 30:2171-2207

Louisiana Solid Waste Management and Resource Recovery Law,

LA R.S. 30:2151-2161

Louisiana Coastal Wetlands Conservation and Restoration Program,

LA R.S. 214.1-214.5

Louisiana State and Local Coastal Resources Management Act,

LA R.S. 49:214.21-214.41

Louisiana Water Control Law, LA R.S. 30:2071-2088

Oil Spill Prevention and Response Act, LA R.S. 30:2451-2496

State Division of Health, Part I, LA R.S. 40:1-5.10

Forests and Forestry, Protection and Reforestation, LA R.S. 3:4271-4296

Garages and Oil Stations, LA R.S. 32:531-532

Motor Boats and Vessels-Restricted Areas and Penalties, LA R.S. 34:851.14 and

LA R.S. 34:851.31

Dams and Related Matters-Rules and Regulations, LA R.S. 38:24

Dept of Public Works-coordination with Wildlife and Fisheries Commission,

LA R.S. 38.18

Dept of Public Works-Functions of Dept, LA R.S. 38:2

Fish Ladders, LA R.S. 56:315.1

Louisiana Regulations

LAC Title 7, Agricultural and Animals, Part XI, Fertilizers, Chapter 79,

Regulations for the Sale of Fertilizers

LAC Title 7, Agricultural and Animals, Part XXIII, Pesticide, Chapter 131,

Louisiana Advisory Commission on Pesticides

LAC Title 7, Agricultural and Animals, Part XXV, Structural Pest Control, Chapter 141,

Structural Pest Control Commission

LAC Title 43, Natural Resources, Part I, Office of the Secretary, Chapter 7, Coastal

Management

LAC Title 48, Public Health-General, Part V, Preventive Health Services, Chapter 75,

Sewage Program

Sanitary Code, State of Louisiana

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations,

Chapter 1, General Provisions

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations,

Chapter 3, Water Quality Permits

LAC Title 33, Part IX, Water Quality Regulations, Chapter 3, Appendices,

Concentrated Animal Feeding Operation; defined

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 9,

Water Quality Spill Prevention and Control

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 11,

Water Quality Standards

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 15,

Water Quality Certification Procedures

LAC Title 33, Environmental Quality, Part 1, Office of the Secretary, Subpart 2,

Notification Regulations, Chapter 39, Notification Regulations and Procedures
for Unauthorized Discharges

LAC Title 33, Environmental Quality, Part V, Hazardous Waste and Hazardous

Material, Chapter 11, Generators

Federal Statutes

Certification (CWA), 33 U.S.C.A.:1341

Federal-Aid-Highways, 23 U.S.C.A.:109

Oil Pollution, 33 U.S.C.A.:2701-61

Federal Consistency, 16 U.S.C.A.:1456

Other Guidance

Jefferson Parish-Proposed Management Plan

AASHTO-Erosion and Sediment Control Guidelines

EPA-Storm Water Management for Construction Activities

Forestry-Best Management Practices

SECTION B

PROPOSED STATE OF LOUISIANA LEGISLATION, LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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Subpart D - Louisiana Coastal Nonpoint Pollution Control Program

§ 214.61 Short Title

This Subpart shall be known and may be cited as the Louisiana Coastal Nonpoint Pollution Control Program.

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§ 214.62 Purpose

Whereas under 16 USCA § 1455b each state for which a coastal zone management program has been approved pursuant to 16 USCA § 1455 is required to prepare and submit to the Secretary of Commerce and the Administrator of the Environmental Protection Agency a coastal nonpoint pollution control program for approval and whereas if the Secretary of Commerce finds that a coastal state has failed to submit an approvable program as required by this section, the Secretary of Commerce shall withhold a portion of grants otherwise available to the state for the state's coastal management program and the state's nonpoint pollution management programs, for each fiscal year until such a program is submitted. And whereas the State of Louisiana recognizes the importance of reducing nonpoint water pollution in coastal waters, the legislature declares that it shall be the policy of the state to provide a comprehensive program addressing nonpoint source pollution in the coastal zone. The creation of a program within the Department of Natural Resources' Office of Coastal Restoration and Management to oversee and coordinate the state agencies will provide an effective regulatory body to further the state's purpose.

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§ 214.63 Definitions

(1) "corrective order" means an order issued by the Department of Natural Resources that finds an owner or operator of land is not complying with specified management measures and requires corrective measures to be taken.

(2) "cost sharing plan" means the sharing of costs between the Department of Natural Resources and a state or federal agency or a person conducting a nonpoint pollution activity in order to implement nonpoint source pollution management measures.

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(3) “designated nonpoint pollution activity” means any one of the five sources identified by the *EPA’s Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*; hereinafter referred to as *Guidance*, which include urban runoff; agriculture; forestry; hydromodification; marina design, siting, and operations; and protection of wetlands and riparian areas.

(4) “management measures” means economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control methods, technologies, processes, siting criteria, operating methods or other alternatives.

(5) “monitoring report” means the report submitted to the Department of Natural Resources by the appropriate state or federal agency, ***as determined through memorandum of agreement***, that details the land use, the pollutant loading, and/or water quality of the site.

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(6) “person” anyone conducting a designated nonpoint pollution activity.

(7) “Coastal Nonpoint Pollution Water Quality Fund” means the fund established pursuant to § 214.75. This fund will consist of any civil penalties assessed and any reimbursements made for corrective measures.

(8) “Site-Specific Conservation Plan” means a soil and water conservation plan approved by the Department of Natural Resources (DNR) or the appropriate state or federal agency as determined by memorandum of agreement. A site-specific conservation plan may be designed by the individual or through work with DNR or the appropriate state agency. The plan will consider the land use activity, and the soil, water, and other environmental site conditions at the location of the activity, in order to develop a strategy to control nonpoint pollution effectively.

(9) “Secretary” means the Secretary of the Department of Natural Resources.

§ 214.64 Creation

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The Louisiana Coastal Nonpoint Pollution Control Program is hereby created within the Coastal Management Division of the Department of Natural Resources. The Program shall exercise the powers and duties hereinafter set forth or otherwise provided by law.

§ 214.65 Powers and Duties

A. The Coastal Nonpoint Pollution Control Program shall have the authority to:

- (1) Make rules and regulations necessary to carry out the purposes of this Subpart.
- (2) Identify and designate critical coastal areas.
- (3) Identify land uses which, individually or cumulatively, may cause or contribute significantly to the degradation of coastal waters.
- (4) Add management measures to the management measures listed in *Guidance* issued by the Environmental Protection Agency, that are necessary to manage identified critical coastal areas and land uses, by the way of the rule making procedure.
- (5) Aid local governments and the public through technical and cost-sharing assistance.
- (6) Make determinations of compliance based on monitoring reports.
- (7) Carry out an education and outreach program.

B. It is intended that the Coastal Nonpoint Pollution Control Program be implemented without any kind of additional permits being required. The establishment of a new permit program for the coastal nonpoint program is, therefore, expressly prohibited under this Subpart.

§ 214.66 Coastal Nonpoint Pollution Advisory Committee

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A. The Coastal Nonpoint Pollution Advisory committee is hereby created to work with and assist the Coastal Nonpoint Pollution Control Program.

B. The Advisory Committee shall be composed of the following members:

- 1 - Secretary of the Department of Natural Resources or designee
- 2 - Secretary of the Department of Environmental Quality or designee
- 3 - Commissioner of Agriculture or designee
- 4 - Secretary of the Department of Transportation and Development or designee

C. The Secretary of the Department of Natural Resources shall serve as chair person of the advisory committee and shall develop procedures for the operations of the advisory committee.

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- 1 - The Advisory Committee shall be an advisory board that recommends action to the Secretary of the Department of Natural Resources.
- 2 - The Advisory Committee shall have the authority to determine how federal and state grant money for the nonpoint source pollution cost-sharing program will be distributed.

§ 214.67 Coordination among government agencies

The Program shall be coordinated with other state and federal agencies by the way of memoranda of agreement as necessary to achieve the purposes of this Subpart.

§ 214.68 Monitoring Reports

For all designated nonpoint pollution activities in the nonpoint coastal boundary, periodic monitoring reports shall be turned in as determined by the Louisiana Coastal Nonpoint Pollution Control Program. The monitoring reports shall be done by the appropriate state or federal agency as determined by memorandum of agreement. Monitoring shall target areas with water quality problems.

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§ 214.69 Coastal Nonpoint Management Area Boundary

The Coastal Nonpoint Management Area Boundary will follow the Coastal Zone Boundary,
as described in La. R.S. 49:214.24.

§ 214.71 Existing Authority of Certain State Departments and Local Governments Retained

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A. Nothing in this Subpart shall abridge the constitutional authority of any department of state government or any agency or office situated within a department of state government. Nor shall any provision, except as clearly expressed herein, repeal the statutory authority of any department of state government or any agency or office situated in a department of state government.

B. The provisions of this Subpart are not intended to abridge the constitutional authority of any local governments, levee boards or other political subdivisions.

§ 214.72 Management Measures

A. With the exception of management measures excluded by agreement between officials of Louisiana's Coastal Management Division of the Department of Natural Resources and the U.S. National Oceanic and Atmospheric Administration and the U.S. Environmental Protection Agency, the management measures listed in EPA's *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*, January 1993, are hereby adopted by the people of Louisiana as part of their Coastal Nonpoint program.

B. Through rulemaking, the Program shall have the authority to add any additional management measures as may be required to meet federal requirements. Furthermore, any additions, modifications or deletions to EPA's *Guidance* will be incorporated into this program upon approval of the Program.

§ 214.73 Effective Date

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A. This Subpart will be effective January 1, 1996, or upon approval by the federal government, of Louisiana's Coastal Nonpoint Pollution Control Program.

B. If federal approval is not obtained or the state program is decertified, this Subpart will not have effect. In the case of decertification by the federal government, provisions of this Subpart shall be held in abeyance only for the period that the program is not regarded as approved by the federal government and shall resume upon reapproval.

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§ 214.74 Coastal Nonpoint Pollution Control Program Enforcement Provision

A. Purpose- To create a comprehensive enforcement mechanism directed at all present and potential nonpoint sources of water pollution that would impact coastal waters from home, farm, recreational, municipal, industrial, or commercial activities. To protect human life and health, fish and aquatic life, scenic and ecological values, and domestic, municipal, recreational, industrial, agricultural and other uses of water. To allow the Department of Natural Resources to promote proper management practices for nonpoint pollution control by establishing penalties for failure to implement required management measures and thereby causing nonpoint pollution.

B. Nonconforming Conduct and Notice- If the Department of Natural Resources determines that an activity is being conducted, which is not in conformity with management measures as defined in §214.63(4), and which is causing nonpoint pollution the Department of Natural Resources shall notify the person conducting or allowing the activity to be conducted by registered mail, return receipt requested, with copies of such notice sent to the appropriate parish coastal management program and to the Department of Environmental Quality. Within six months from receipt of such notice the person shall be actively applying a site-specific conservation plan, which has been approved by the Department of Natural Resources or the appropriate state agency, to prevent or cease the pollution. The Department of Natural Resources shall have the authority to conduct onsite inspections, after notice to the person to investigate and identify of the sources of the pollutants. If the polluting activity is agricultural or silvicultural then the Department of Agriculture and Forestry will have the authority over notification and corrective measures, however, the Department of Agriculture and Forestry may request that the Department of Natural Resources implement notification and corrective orders.

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C. Site-Specific Conservation Plan for Corrective Measures

1) The Department of Natural Resources or the appropriate state or federal agency, as determined by memoranda of agreement shall upon request of the person that has received a notice pursuant to § 214.74 (B) of this Subpart, provide assistance to work with such person in developing a site-specific conservation plan for corrective measures, such plan is to include a specified implementation schedule.

2) If the person fails to adopt and begin actively applying the site-specific conservation plan for corrective measures within six months from receipt of the notification by the Department of Natural Resources under § 214.74 (B) of this Subpart, the Department of Natural Resources may issue to the person a corrective order as provided for in § 214.74 (D) of this Subpart.

D. Issuance of Corrective Orders

1) The Department of Natural Resources, upon determining that the person has failed to adopt or begin actively applying an approved site-specific conservation plan as provided for in §214.74 (C) of this Subpart, shall have the authority to issue corrective orders to any person who is conducting, or allowing to be conducted, any designated nonpoint pollution activity which is not in conformity with required management measures, requiring the person to implement specified corrective measures within a stated period of time.

2) A corrective order issued pursuant to subsection (a) of this section shall be issued only after a hearing, with reasonable notice being given to the person, of the time, place, and purpose of the hearing, and shall become effective not less than five days after service as provided in subsection (c) hereafter, provided that the corrective order shall be suspended pending appeal by the recipient made within five days after receipt of such order.

3) The Department of Natural Resources shall notify the person to whom a corrective order is issued under subsection (a) of this section by certified mail, return receipt requested, sent to the last known address of the person, or by personal delivery by an agent of the state, and the time limits specified shall be counted from date of receipt.

4) Notwithstanding other provisions of this Subpart, if the Department of Natural Resources determines that an emergency condition exists due to the actions of any person who is conducting any designated nonpoint pollution activity in a manner which is not in conformity with required management measures, runoff from which is causing or is likely to cause an imminent and substantial danger to the public health, to animals, fish or aquatic life; to a public water supply; or to recreational, commercial, industrial, agricultural, or

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other reasonable water uses, the Department of Natural Resources may issue, without advance notice or hearing, an emergency corrective order directing the person, to cease immediately all or part of the activity causing the nonpoint pollution emergency, and to implement specified corrective measures within a stated period of time. Following the issuance of an emergency corrective order, the Department of Natural Resources, shall provide the opportunity for a hearing after reasonable notice as to the time and place thereof, to the person of the lands involved, for the purposes of affirming, modifying, amending, or canceling such emergency corrective order.

5) Notwithstanding other provisions of this section, the Department of Natural Resources shall not issue a corrective order to any person who is:

1) actively applying in their land use operations the management measures established by this Subpart, when those measures have failed to prevent pollution as a direct result of unusual weather events or other exceptional circumstances which could not have been reasonably anticipated, or

2) actively applying an approved site-specific conservation plan.

E. Right of Entry to Implement Corrective Measures- On failure of the person to implement corrective measures in the time specified in the corrective order, the Department of Natural Resources may present, to the state district court that has jurisdiction over the land in question, a petition asking the court to require the affected person to carry out the corrective measures set out in the corrective order within a specified time, and to order that if such person fails to do so, the Department of Natural Resources may enter the land involved and take such corrective action. The Department of Natural Resources shall have the authority to recover the costs of such corrective action from the person.

F. Agricultural Exemption.

Recognizing that agricultural activities are currently being modified to achieve the goals of the 6217 (g) management measures contained in the NOAA/EPA *Guidance* through voluntary incentive programs and in conjunction with the U.S. Natural Resources Conservation Service, agricultural activities are exempted from the enforcement provisions of §214.74 under the following conditions:

The Coastal Management Division of the Louisiana Department of Natural Resources, through assistance provided by the Louisiana Department of Agriculture

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and Forestry and the Louisiana State University Agricultural Center (Cooperative Extension Service), will monitor voluntary compliance with the 6217 (g) management measures or effective alternative management measures if such measures or practices are the same or more effective in meeting the goals of the NOAA/EPA *Guidance*. The monitoring period will be three years from program approval by the NOAA/EPA.

If, by the end of the three year monitoring period LDNR/CMD determines that voluntary compliance with the management measures through the use of BMP's, by the agricultural industry, has reached a rate of at least 85%, agricultural activities shall be exempt from the enforcement provisions of §214.74 for an additional three years at the end of which agricultural activities will be subject to such enforcement provisions.

If LDNR/CMD monitoring of agricultural activities reveals that voluntary compliance has not resulted in an 85% compliance rate from those activities then agricultural activities will be immediately subject to the enforcement provisions of §214.74.

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G. Appeals

1) Decisions of the Secretary of the Department of Natural Resources shall be subject to a departmental appeal with opportunity for public input, provided such departmental appeal is filed within 30 days of any such decision.

2) Decisions of the Secretary of the Department of Natural Resources shall be subject to review by the district courts of Louisiana provided that such an appeal is filed within 60 days of any such decision. Imposition of a fine shall be suspended pending such appeals.

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H. Penalties, Injunctions, and other Legal Actions

1) A violation of the provisions of this Subpart shall be subject to a fine of not more than ten thousand dollars, or imprisonment for not more than one year, or both. These penalties shall be in addition to any other costs or penalties assessed pursuant to this Section. These penalties will be assessed by a court of competent jurisdiction. Payments to satisfy such penalties shall be deposited into the Coastal Nonpoint Source Pollution Water Quality Fund established in §214.75 of this Subpart.

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- 2) Any action pursuant to this Section, whether criminal or civil, must be brought in any parish in which the use or activity is situated. If the use or activity is situated in one or more parishes, then any action may be brought in either of the parishes in which the use or activity is situated.
- 3) In addition to the other enforcement actions authorized by the provisions of this Section, the secretary may assess the violator all or a portion of the costs of abatement or mitigation of damages to coastal waters.
- 4) In determining the amount of any penalty, consideration shall be given to willfulness of the violation, any history of noncompliance, the actions of the person in notifying, containing and cleaning up any discharge, the length of time of the violation, the damage or injury to state waters or the impairment of their beneficial use, and the nature and degree of injury to or interference with general health, welfare and property.
- 5) The State Attorney General shall, upon request of the Department of Natural Resources, bring an action for an injunction or other appropriate legal action on behalf of such agency to enforce the provisions of this Subpart.

§ 214.75 Coastal Nonpoint Pollution Water Quality Fund Established

A. There is hereby established the Louisiana Coastal Nonpoint Pollution Water Quality Fund in which there shall be deposited:

- 1) any civil penalties assessed and collected pursuant to §214.74 (G) of this Subpart, and
- 2) reimbursement for corrective measures taken by the state pursuant to §214.74 (E) of the Subpart.

B. Such funds, and interest thereon, shall not revert to the General Fund, but shall remain in the Coastal Nonpoint Pollution Water Quality Fund. Such funds shall be used by the Department of Natural Resources for monitoring, and educational activities in the promotion of water quality, or for corrective actions taken under §214.74 (E).

§214.76 Coordination of Conservation and Water Quality Programs

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The Department of Natural Resources shall coordinate with other state agencies through memoranda of agreement that establish a system of monitoring and a system for the development of site-specified conservation plans to assist noncomplying persons.

§ 214.77 Regulations

The Department of Natural Resources may promulgate such reasonable regulations as are necessary to carry out the purposes of the Subpart.

§214.78 Public Education Program

The Louisiana Coastal Nonpoint Pollution Control Program shall conduct a comprehensive Public Education Program as a means of assisting the public in the integration of proper management practices into their land use activities.

§214.79 Separability

If any provisions of this Subpart are held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions of this Subpart.

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SECTION C

PROCESS FOR FORMULATION OF MEMORANDA OF UNDERSTANDING (MOUS) AND MEMORANDA OF AGREEMENT (MOAS) BETWEEN THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, COASTAL MANAGEMENT DIVISION, AND OTHER STATE AND FEDERAL AGENCIES

LOUISIANA COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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PROCESS FOR FORMULATION OF MEMORANDA OF UNDERSTANDING (MOU) AND MEMORANDA OF AGREEMENT (MOA) BETWEEN LOUISIANA DEPARTMENT OF NATURAL RESOURCES, COASTAL MANAGEMENT DIVISION (CMD) AND OTHER STATE AGENCIES

The Louisiana Department of Natural Resources, Coastal Management Division (CMD) intends to develop memoranda of understanding (MOU) or agreement (MOA) between state and federal agencies which have regulatory and/or enforcement policies regarding the Louisiana Coastal Nonpoint Pollution Control Program (CNPCP). These memoranda will recognize the authorities and/or duties of each agency in regard to the enforcement and monitoring, as determined under existing Louisiana statutes and regulations. It is not the intention of the LDNR/CMD to usurp any agencies authorities or duties, nor is it the intention of the LDNR/CMD to ask for any major new tasks to be performed by any agency. To the maximum extent possible the CNPCP will utilize existing authorities, monitoring schemes, and existing data sets/forms and procedures. To the minimal extent that new expenditures may be required, the state expects the federal agencies requiring the program to supply the funds necessary to carry out the mandate. The CMD will coordinate the development of the MOUs/MOAs with the various agencies. These memoranda are being conceptualized and will be completed as soon as possible.

The Louisiana statutes and regulations pertaining to the authority of state agencies in the Louisiana CNPCP are on the following pages. The proposed Memoranda will allow the listed agencies to use their authority under these Louisiana statutes and regulations, as listed under each agency, to aid in implementation of the Louisiana Coastal Nonpoint Pollution Control Program. A summary of the statute(s) or regulation(s) applicable to each state agency is presented. The LDNR/CMD will need to assemble further information on the limits of agency mandates and responsibilities. The proposed "bad actor" legislation is intended only to fill any gaps in needed enforcement policies in order to fully implement the Louisiana CNPCP.

The following list of statutes and regulations may not be an all inclusive list of applicable Louisiana regulations.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

Louisiana Pesticide Law

LA R.S. 3: 3201-3377

PURPOSE: A comprehensive law covering: the use of pesticides; the formulation of rules and regulations; regulation of pesticide manufacture, sale, and distribution; application: establishment of pesticide waste plan and; restriction of use of pesticides. The application of pesticides is addressed in the areas of pesticide waste and water pollution which allows the commissioner of agriculture to take mitigation actions when the pesticide concentration in any area is a threat to humans or the environment.

AUTHORITY: Louisiana Department of Agriculture (LDA)

ENFORCEMENT: The sale, counseling, and application is restricted through a competency examination. The statewide pesticide waste plan delegates authority to the commissioner of agriculture to take mitigation actions in the case of threat to human health or the environment in the form of limiting or prohibiting application in effected areas.

Forests And Forestry, Protection And Reforestation

LA R.S. 3: 4271-4296

PURPOSE: To protect, conserve, and replenish the forests of the state and to promote the growing of suitable and useful timber trees within the state.

AUTHORITY: The Louisiana Forestry Commission

ENFORCEMENT: No enforceable regulations are contained within this law except for some fire prevention, and gathering of certain fruits.

**LAC Title 7, Agricultural And Animals, Part XI, Fertilizers, Chapter 79
Regulations For The Sale Of Fertilizers**

PURPOSE: To set requirements for the registration of manufacturing and/or sale, labeling, sampling, and chemical analysis of fertilizers within the state.

AUTHORITY: Fertilizer Commission and Commissioner of Agriculture

ENFORCEMENT: Cancellation of Registration and/or levying of fines

**LAC Title 7, Agricultural And Animals, Part XXIII, Pesticide, Chapter 131, Louisiana
Advisory Commission On Pesticides**

PURPOSE: To set the rules and regulations on the registration of manufacturing, shipment, sale, ingredients, labeling, and certification for application of pesticides. This includes uses for agricultural, forestry, nurseries, public health, industrial, and aquatic pest control.

Particular emphasis is on protection of waters.

AUTHORITY: Louisiana Advisory Commission On Pesticides and the Commissioner of Agriculture, Department of Agriculture and Forestry

ENFORCEMENT: Certification and licensing, with cancellation of certifications and fines by the commissioner.

LAC Title 7, Agricultural And Animals, Part XXV, Structural Pest Control, Chapter 141, Structural Pest Control Commission

PURPOSE: To set the rules and regulations for permitting, certification, licensing, and application of structural pest controls.

AUTHORITY: Structural Pest Control Commission And The Commissioner Of Agriculture

ENFORCEMENT: Cancellation of certification and license

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Louisiana Hazardous Waste Control Law

LA R.S. 30: 2171-2207

PURPOSE: The Hazardous Waste Control Law regulates hazardous substances and mandates strict compliance with the standards set for the generation, storage, transportation, and disposal of such waste. The law sets a framework for the regulation, monitoring, and control of the above factors and authorizes the development, implementation, and enforcement of the program. Disposal includes discharge onto land or into waters of the state, including groundwater.

AUTHORITY: The Hazardous Waste Advisory Board within the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Violations of regulations are subject to fines and/or imprisonment as set forth in the law to cover pollution of lands and waters.

Louisiana Solid Waste Management And Resource Recovery Law

LA R.S. 30: 2151-2161

PURPOSE: A law designed to develop a solid waste management plan to encourage the maximum use of resource recovery procedures, to regulate pollution caused by solid waste disposal practices, including the transportation, processing, and resource recovery. The location, construction, operation, and maintenance of solid waste disposal facilities is regulated. The law also adopts and promulgates rules, regulations, and standards for the processing, resource recovery, and use for agricultural, silvicultural, and horticultural solid wastes and sewage sludges.

AUTHORITY: Office of Solid and Hazardous Waste of the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: No enforceable regulations are set forth in this law, but the law directs the secretary of LDEQ to prepare of rules and regulations to carry out the purpose and intent of the law.

Louisiana Water Control Law

LA R.S. 30: 2071-2088

PURPOSE: To insure the protection and maintenance of the state's waters by adopting a system to control and regulate the discharge of waste materials, pollutants, and other substances into the waters of the state. The wastes include that from water vessels and waste from oil production activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: The LDEQ is required to issue permits, and adopt rules and regulations to enforce the law, but the law itself does not provide any enforcement procedures.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 1, General Provisions

PURPOSE: To set regulations and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities the Louisiana Water Pollution Control Division.

AUTHORITY: Louisiana Water Pollution Control Division, Office of Water Resources, Louisiana Department of Environmental Quality.

ENFORCEMENT: Enforced under individual chapters as stated below.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 3, Water Quality Permits

PURPOSE: To prescribe the procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). This includes the prohibiting of discharges of sewage waste or any physical, chemical, or biological pollutants into any water body of the state. This includes leachate or runoff to surface waters from facilities under jurisdiction of solid or hazardous waste laws.

Permits are required for other facilities including animal feeding operations, aquacultural activities, silvicultural point sources, and commercial dredging. Certain activities are exempt from the permit requirement. These include human sewage from vessels with inboard toilet facilities, disposal of water derived from oil and gas production, any introduction of pollutants from nonpoint sources resulting from normal agricultural and silvicultural activities. Effluent limitations and standards are established for permitted activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Enforceable by revocation or termination of permit(s), with provisions for monitoring and sample collection.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 9, Water Quality Spill Prevention And Control

PURPOSE: To establish requirements for contingency planning, and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events. This includes oil and other substances listed as hazardous. This regulation requires the preparation and submittal of the contingency plan by the operators of facilities as outlined in this chapter.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: No enforcement policy is set forth in this section, other than requirement of a plan.

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 11, Water Quality Standards

PURPOSE: To establish water quality standards that provide for protection the waters, public health, and serve the objectives of the Louisiana Water Control Law and the Federal Clean Water Act. These standards consist of stated policies, designated uses, limitations of parameters, criteria for toxic substances, effluent limitations for point source discharges. These standards can form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Subject to the enforcement procedures of the state, LA R.S. 30:2025

LAC Title 33, Environmental Quality, Part IX, Water Quality Regulations, Chapter 15, Water Quality Certification Procedures

PURPOSE: To establish the procedures for water quality certification including application requirements, fees, And land management plan requirements.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Denial of permit only.

LAC Title 33, Environmental Quality, Part I, Office Of The Secretary, Subpart 2, Notification Regulations, Chapter 39, Notification Regulations And Procedures For Unauthorized Discharges

PURPOSE: To provide a uniform notification and reporting procedure for unauthorized discharges and enable emergency response to such discharges. This section lists requirements for determination and use of reportable quantities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable under the Louisiana Environmental Quality Act (LA R.S. 30: 2001)

LAC Title 33, Environmental Quality, Part V, Hazardous Waste And Hazardous Material, Chapter 11, Generators

PURPOSE: To establish the applicability of the section and set hazardous waste determination standards. In addition the establishment of standards for manifest, pre-transport, and transport requirements, are established.

AUTHORITY: Office of Solid and Hazardous Waste, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable by ability to prohibit transport.

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS

State Division Of Health

LA R.S. 40: 1-5.10

PURPOSE: To execute the sanitary laws of the state and abate menace to the public health. This includes protection of the public health against disease or infection from infectious waste, improper disposal of sewage, and unsanitary water for drinking or recreation. The pollution of streams or rivers from such wastes is particularly prohibited.

AUTHORITY: State Health Officer, Office of Public Health, Louisiana Department of Health and Hospitals (LDHH)

ENFORCEMENT: The state health officer has the authority to suspend or revoke health permits, impose fines for violation of any of the sanitary code violations.

LAC Title 48, Public Health-General, Part V, Preventive Health Services, Chapter 75, Sewage Program

PURPOSE: To set regulations for sewage treatment, sanitary sewage disposal, and other water and wastewater matters for the safeguard of public health. The responsibilities covered include plan review, permitting, inspection, sampling, monitoring, and testing of facilities to insure code compliance and to conduct related enforcement.

AUTHORITY: Office of Preventive and Public Health Services (OPPHS) of the Department of Health and Human Resources (DHHR).

ENFORCEMENT: Enforceable under R.S. 40: 1-5.10

Sanitary Code, State Of Louisiana

PURPOSE: To set regulations for the planning, design, construction, modification, record keeping, installation and connection of sewage facilities and/or treatment plants. This includes regulations as to the quality and final discharge of effluent. Particularly prohibited is the discharge of untreated waste directly or indirectly into any ditch, water course, body of water, or onto the ground. This includes the limitation of the location of sewage facilities at least 50 feet from a potable water supply source. Vessels or boats which are permanently moored can not discharge untreated waste, and if not moored are required to employ proper Coast Guard approved marine sanitation devices.

AUTHORITY: Sate Health Officer, Louisiana Department of Health and Hospitals

ENFORCEMENT: The review of plans, issuance of permits and licenses with violations subject to revocation of such permits and/or licenses.

LOUISIANA DEPARTMENT OF CULTURE, RECREATION, AND TOURISM

Louisiana Litter Control And Recycling Commission

LA R.S. 25: 1101-1120

PURPOSE: To control and reduce litter, and create and coordinate separation and recycling programs. The Louisiana Litter Control and Recycling Commission is responsible for public education, coordination between agencies and local governments, voluntary campaigns, abatement programs, awarding of grants, plan development, and enforcement of laws regarding litter control and recycling efforts.

AUTHORITY: The Louisiana Litter Control and Recycling Commission within the Louisiana Department of Culture, Recreation, and Tourism (LDCRT)

ENFORCEMENT: Enforced by the LDCRT with fines and/or imprisonment for littering from motor vehicles OR water craft on roads and beaches.

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Dams And Related Matters - Rules And Regulations

LA R.S. 38: 24

PURPOSE: To establish standards, rules, and regulations for the construction, operation, modification, and maintenance of dams on waterbodies within the state except for those which are used for impoundment of liquid substances or hazardous waste, which is permitted by the Louisiana Department of Natural resources.

AUTHORITY: Office of Public Works, Louisiana Department of Transportation and Development (LDTD)

ENFORCEMENT: Enforceable by permit and/or inspection only

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

Louisiana Natural And Scenic Rivers System

LA R.S. 56: 1841-1856

PURPOSE: To preserve, protect, develop, reclaim, and enhance the wilderness qualities, scenic beauties, and ecological regime of certain free flowing streams. This law protects the scenic rivers and prohibits the activities of channelization, clearing and snagging, channel realignment and reservoir construction of the rivers and streams included in the system, including the riparian areas along such streams.

AUTHORITY: Louisiana Department of Wildlife and Fisheries (LDWF)

ENFORCEMENT: Enforced by LDWF with violations punishable by fines (Louisiana class 6 violation)

LOUISIANA COOPERATIVE EXTENSION SERVICE

No specific statues or regulations

**LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF
CONSERVATION**

No specific statues or regulations

In addition the following federal agencies and/or programs will have memoranda developed within the same time period.

The Barataria-Terrebonne National Estuary Program

U.S. Department of Agriculture, Consolidated Farm Services Agency

U.S. Department of Commerce, National Marine Fisheries Service

U.S. Army Corps of Engineers, New Orleans District

U.S. Army Corps of Engineers, Galveston District

U.S. Army Corps of Engineers, Vicksburg District

U.S. Department of Transportation, Federal Aviation Administration

U.S. Department of Transportation, Federal Highway Administration

U.S. Department of Interior, Fish and Wildlife Service